

CONSERVATION COMMISSION
MINUTES OF THE MEETING
WEDNESDAY, NOVEMBER 7, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
ROBERT GULLA, CHAIRMAN

MEMBERS PRESENT

Robert Gulla, Chairman
John Feener
Charlie Anderson
Brandon Frontiero

MEMBERS ABSENT

Arthur Socolow
William Febiger
Ann Jo Jackson, Vice Chair

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Mr. Robert Gulla, Chairman, opens the meeting of the Gloucester Conservation Commission.

**REVIEW OF AMENDED, UPDATED OR FINAL INFORMATION, STATUS
REVIEWS, MINOR AMENDMENTS, SIGNING DECISIONS, CLOSURE OF
HEARINGS, ETC**

71-79 CONCORD STREET

The Agent notes that this is a review of the wording of the third party scope of work only. This is not a public hearing and not open to public discussion.

She notes comments submitted at the previous meeting as well submissions this A.M. New England Environmental was noted and the Eng. Dept. and Planning Board will tie that into the contract.

The Agent inquires with the GCC as to anything being missing before a bid is put together.

Mr. Gulla notes that the Legal Dept. may be consulted as well.

He inquires as to DEP having a guideline and the Agent notes that they really don't just in regards to the consultant but not the scope of the work.

Mr. Gulla notes a back up plan would be a good idea and notes that an email should be sent to Bill for his comments on this issue.

Mr. Feener notes that No. 6 on the plan is a huge part of the plan and most of the scope.

Mr. Gulla inquires as to soil testing and the Agent states that it has already been done and has been incorporated into the filing.

The Agent notes 2 key issues: A City of Gloucester sewer line is needed as there is no onsite sewer in place. This was submitted to the City Planning Board but nothing has been sent to the Cons. Comm.

Mr. Gulla notes that something needs to be drafted or some notification system in place.

The Agent notes that the sewer line would extend from Essex Ave. to the causeway.

The general feeling was that they should submit info. to the Cons. Comm. as well.

The construction sequence, mitigation and restoration should all be submitted and reviewed. The 3rd party review does not create the plan, they review what is submitted.

Mr. Feener notes that the 3rd party review should have enough knowledge to review the intricacies of the plan.

Mr. Gulla states that information should be in place in order to deal with the actual 3rd party review. More details are needed and we should get it now prior to the GCC receiving the 3rd party review.

The Agent notes an email to be sent to Jim McKenna and the Commission regarding information needed.

DOGTOWN COMMON

City of Gloucester – Three GCC members have signed with one more to sign. All needed signatures accomplished this evening.

149 ATLANTIC ROAD

The Agent notes that the project was pending final approval by the engineering department.

Mike Hale has given the verbal approval but has not yet had time to issue the written documents.

Signatures from the GCC are needed.

MOTION: Mr. Anderson moves to approve the project with conditions.

SECOND: Mr. Feener **VOTE:** 4-0 all in favor

94 WHEELER STREET

This is on the agenda for signatures.

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Frontiero **VOTE:** 3 **ABSTENTION:** 1

Mr. Anderson abstains but will sign with the other 3 members as the matter has already been voted on.

214 ATLANTIC ROAD

CoC to be resigned using the correct document.

The Agent notes the compliance is due to no work being done.

Signed by the GCC.

PUBLIC COMMENT -

A Duley Lane resident wanted to speak regarding an item on the agenda.

Mr. Gulla notes that the items on the plan need to be discussed during the allotted time for that particular issue.

The Agent notes that the GCC cannot open that discussion re: the violation letter as it would be in violation of the public meeting protocol.

LETTER PERMIT REQUESTS:

PLUM COVE BEACH

The Agent notes that this is a Letter Permit request regarding the City of Gloucester DPW for shifting sand at Plum Cove Beach away from the stairway where it is in danger

of topping over into the road. A management plan for both Plum Cove Beach and Niles Beach are in the process of being submitted but will not be heard until December 5, 2007. It was further noted that this would be a temporary Letter Permit to shift the sand farther down the beach.

Mr. Gulla noted a concern, asking if there would be supervision during this process and The Agent stated that it would probably be a 1 day project and she will be called at that time. She met with officials re: the permitting to be done before the work.

MOTION: Mr. Anderson moves to approve the letter permit above mentioned conditions.

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

Repairing of water lines in street layouts –

This is a Letter Permit request from the City of Gloucester DPW for maintenance and repair of water lines in the street layouts within buffer zones to resource areas.

Mr. Keating notes dimensions as 15 ft to the resource area with 1 to 3 days of cut and fill. The permit would be valid for a year. The general site plan has been submitted.

MOTION: Mr. Feener moves to approve the Letter Permit.

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

4 SAMUEL RIGGS CIRCLE

The Agent notes this being a Letter Permit re: re-roofing adjacent to the Mill River. An additional request for a single family home expansion is required to be submitted as a Notice of Intent or Request for Determination.

This being a 2 part LP with ½ of it being denied previously.

The second part is re: the re-roofing and the Agent recommends approval of this to the GCC. The detailed sequence as been submitted.

Mr. Anderson requested that it be noted that the approval would be just for the re-roofing.

MOTION: Mr. Frontiero

SECOND: Mr. Anderson VOTE: 4-0 all in favor

41 SHORE ROAD

This is a Letter Permit request re: the replacement of a second floor deck, siding and gutters.

The Agent notifies the GCC that there is no likelihood of any impact.

Mr. Frontiero notes that there should be a thorough cleaning up of all materials.

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

9 WATERMAN ROAD

This is a Letter Permit request for the replacement of siding, a roof and windows.

Mr. Frontiero states that it should be noted for this permit as well that all materials be cleaned up.

MOTION: Mr. Feener moves to approve

SECOND: Mr. Frontiero VOTE: 4-0 all in favor.

AGENT'S REPORT ON VIOLATIONS:

80 COMMERCIAL STREET

The Agent notes that the Building Inspector has declared this to be a safety hazard. They have had someone come in to replace the pilings. The Agent notes to the GCC that this is a self imposed hardship. To make this safer they can remove the rest of the pier. They needed to file an NoI but they chose not to.

The Agent inquires with the GCC as to whether or not they want to order a Cease and Desist.

Mr. Gulla inquired as to any opportunity for a Letter Permit or waiver or variance.

The Agent notes that Greg Sargent has been fairly silent on this.

The Agent notes that this just prevents them from replacing w/o a permit.

WINGAERSHEEK BEACH PRIVATE SECTION –

The Agent notes that it was told to her the only way this would be acceptable is if the dunes were plowed by horses.

Mr. Anderson notes that an NoI would still be needed.

3 THURSTON LANE (Map 100, Lot 6)

Tim Corrigan to maintain a newly constructed terraced retaining wall, stone patio and stairs in the riverfront area at 3 Thurston Lane.

Leslie notes that in re: to the inspection done in August, letters were sent and the work was stopped. Tim Corrigan noted that Earthworks did not realize the 200 ft buffer zone. The application was reviewed. The Agent notes that the property owner had work done thinking it was outside the 100 ft. buffer to the coastal bank, not realizing that it was a RRA and that an application is required.

It was noted that in the NoI, mitigation is not included. The required NoI was submitted on 09/19/07.

The Agent notes that the mitigation calculations of 896 + or – being replaced does not meet the GCC requirement of 2 to 1 mitigation for work done. She reiterates that the mitigation plan was not noted in the NoI form.

Photos were shown to the GCC. The Agent notes that the NoI calls for just the stone patio and stone steps as the work being done, but the pictures contained in the report submitted state that the front steps and the stone wall in the front of the house are also to be repaired or replaced, which is work in the RRA. She notes that this may be where there is a discrepancy in the number of square feet affected. This work was not included in the NoI. She notes a good alternatives analysis and concurs with it.

Materials were removed from the site but were put across the street which is still in the riverfront area.

Mr. Bill Manuell, Wetlands and Land Management notes the plan and discusses the issues with the GCC. He notes the coastal bank and states that the 100 ft. buffer zone from the coastal bank barely clips the edge of the home. He notes the patio and 600 sq. ft. + or – at the rear of the house. He notes photos in the report showing that the work is separate from the riverfront. He further notes a sand bedded terrace/patio which is totally pervious. He notes mitigation for the patio and the taking of two sloping areas which are dry and erosive. He notes photos 4 and 8.

He suggests taking the slopes and planting low growing juniper. He further noted the rebuilding of wooden entry steps. He notes the building of a wall to take the first bit of the slope out and avert any erosion. Mr. Manuell states that the lot is 6000 sq. ft. and 2 to 1 mitigation is virtually impossible. He states that he has submitted a plan with more than 1 to 1 and the work that has been done has not impacted any crucial areas. He states that he is looking for closure on this plan.

Mr. Anderson states that he thinks the GCC needs the revised numbers.

Mr. Frontiero inquires as to how high the retaining wall will be.

Mr. Manuell notes 2 ft. of planting then another 2 ft. up with the photos being reviewed by the Commission. Mr. Manuell notes picture no. 7 to the GCC further noting a stake which is the property line.

Mr. Gulla inquires as to possibly more planting regarding photo no. 1.

Ms. Nancy Ryder, Agent notes that the policy of the Commission has always been 2 to 1 in the riverfront.

Mr. Manuell states that this is not redevelopment.

Mr. Feener inquires as to offsite mitigation re: any City of Gloucester projects.

Mr. Manuell states respectfully states, no.

Leslie states that it is up to the Commission whether or not they want to change the policy and not require the 2 to 1 mitigation or have the applicant required to accommodate the 2 to 1.

Mr. Manuell notes that the Performance Standards are met. He notes prior to 1996 and discusses the 10% impact threshold and that they are compliant.

He notes other projects that the Commission has allowed by relaxing the policy.

The Agent notes that there has never been a reduction made before re: an Enforcement Order.

Mr. Manuell notes that this is after the fact and clearly a mistake.

Mr. Frontiero inquires as to how far away the numbers are from being met with Mr. Manuell stating that the mitigation is for both the front and side lawn.

Mr. Gulla notes that it is about 300 sq. ft. +.

Leslie inquires as to an additional part of the front as mitigation.

Mr. Manuell again reminds the Commission that this is a 6000 sq. ft. lot.

He further states that it would be impunitive to take away the last bit of property to accommodate the 2 to 1 mitigation.

PUBLIC COMMENT: none/closed.

Ms. Anne Marie Josephson states that she can do some planting on the property and notes the plan to the Commission.

The Agent notes that the Commission has the option to condition it 2 to 1 or that you remove part of the patio.

Leslie notes that the NoI and the numbers need to be clarified.

Mr. Manuell notes that only one space re: the numbers need to be changed.

The Agent notes that the message that goes out to all is to do the work and have it all done then come back after fact, thus creating this kind of issue.

Mr. Feener stated that he would appreciate it if the applicant would be willing to do offsite mitigation with Mr. Frontiero in agreement.

Mr. Manuell inquired as to what type of mitigation with Mr. Feener noting something with the City of Gloucester.

The Agent notes re: offsite mitigation: a tree program, Stage Fort Park, beaches and dune grass projects and planting projects with the City.

The Agent notes that this would consist of approx. 300 sq. ft. of plantings.

Mr. Frontiero notes that the offsite mitigation should be put on the contractor not the applicant with Mr. Gulla stating it is up to the applicant regarding who is to bear the work.

MOTION: Mr. Feener moves to have the applicant do offsite mitigation.

SECOND: Mr. Frontiero VOTE: 3-0 ABSTENTION: 1 (Mr. Anderson)

DULEY LANE/LANES COVE LANDING NEW

This is a public hearing relating to an Enforcement Order, City of Gloucester.

Mike Hale, City Engineering present Joe Parisi, DPW present.

Mr. Hale notes and discusses the plan with the GCC as well as presenting and discussing an enlarged photo. He notes this as being an active landing and unsafe and unstable.

He further notes this as being an historical landing with mostly weed vegetation.

He notes the removing of the culvert cap and the re-laying of the stones. He states that the culvert is in very good condition.

He recommends paving the end of Duley Street over the culvert. From cap to cap is 25 ft. He further recommends some selective pruning upstream from the culvert, just along the stream channel. This would be done with hand pruners. This is not on the application but would like it to be considered.

Re: the 2nd channel: The stream channel is not noticeable as it spills out all around.

He notes that a neighbor stated that it was maintained in the past by the City. There is no DEP number at present.

The Agent states that they have addressed everything the GCC has asked them to do.

Mr. Hale states that they could install granite balls so that people do not drive down to that area.

Mr. Frontiero notes a sequence plan and strongly recommends not using recycled asphalt.

Mr. Hale states that processed gravel could be used with Mr. Frontiero stating that something that looks natural would be advised.

Mr. Feener notes that in regards to pruning, a maintenance plan is needed and in regards to cutting shrubs ANSI Z 133 should be followed as they are the standard.

PUBLIC COMMENT:

Mr. Robert Jobe – 8 Duley Street notes that in regards to pruning he would like to prune the cove and monument with the Agent.

The Agent notes that a small group can meet in December.

Ms. Lynn Clotts inquired with the Agent re: a plan and the Agent states that she has that. She asks Mr. Hale to meet at the Cove and he agreed to that.

Ms. Barbara Jobe – Discusses past repairs. She states there always was a slope until the road was built up a foot higher due to past repairs. She states that Lanes Cove has a lot of pot holes.

Mr. Gulla suggests that Mike Hale have a meeting with the concerned residents.

The Agent notes that some type of barrier is needed re: vehicles.

Mr. Parisi notes that maintenance of a gravel road is difficult and paving would make it easier for future maintenance.

MOTION: Mr. Feener moves to continue the matter to 12/5/07 at 7:05 PM

SECOND: Mr. Anderson VOTE: 4-0 all in favor.

6 TO 29 KENNEDY ROAD (FKA MAGNOLIA AVE) (MAP 193)

Request for Determination submitted by Abbott Magnolia LLC, (Woodlands), for the construction of a residential development with associated roadways, utilities and grading.

Present – Bob Forbes, Rich Kirby

Mr. Forbes states that they need to get more plans to the Agent.

Mr. Kirby notes the plan citing isolated depressions noting #1-6 in green on the plan stating that 1 is jurisdictional and 2-6 are not. The elevation of the depressed area is marked at the site and on the plan. No. 9 on the plan was discussed. Regarding mitigation, the detention area holds 80,000 c ft. Upland was noted on the plan between 1 and 2. The Wetland boundary near #8 needs to be approved.

The Agent suggests rain gardens at each lot.

Mr. Forbes notes on the plan the veg. WL in blue. He notes # 1 is offsite, #2 staying away from it, #5 will be left alone and #3 will be filled with the total volume of all three being about 500 c ft. He states that there is a need to get a more detailed plan as to what is being proposed to the Agent. He notes the proposed infiltration basin.

The Agent states that a site visit has been done. She recommends building envelope re: one lot where water sheds area and where water is lead.

Mr. Forbes notes West Pond and a dam and further notes a decrease in runoff on the plan.

Mr. Frontiero inquires as to any blasting to be done and Mr. Forbes states that blasting is proposed in regards to large and numerous boulders. Mr. Frontiero states that a blast survey and monitoring plan is needed, with a meeting to be held with the neighbors.

Mr. Feener states that they need to show how much decrease re: the pond with Mr. Forbes stating he will show that.

The Agent notes the use of gullies for SW needs to be added on the plan for the next meeting.

PUBLIC COMMENT

Mr. James Cook inquired with the Agent re: the SW side gulley as offsite pointing to the area on the plan and proposed filling and the dam. He notes to meet it, it is within 100 ft. The Agent states that the WL area is flagged correctly and states she didn't look for anything unless it was on the plan.

The size of the area noted is much larger than what was noted on the plan, noting the overflow pipe. Further noted, the green area on the plan which is cause for great concern, the depression area, which overflows into and through the cemetery, across the street and into a yard. Further concern is the septic flowing, which is now fresh water flow. Close attention is to be paid re: gullies and the water flow.

A large tree was noted and it was quoted that this is one of the largest trees in the area.

The GCC needs to take a good look at this project.

The Agent notes that during the May storm a 12 ft. wide waterfall came down the cemetery property.

The Agent notes that anything within 100 ft. buffer needs to be noted on the plan.

MOTION: Mr. Feener moves to continue for Request for Determination to 12/5/07 8PM.

SECOND: Mr. Frontiero VOTE: 4-0 all in favor.

281 R MAGNOLIA AVE (Map 206, Lot 9)

A. Notice of Resource Area Delineation, submitted by Willard Perkins, for Hearthstone Realty Corp.

B. Notice of Resource Area Delineation, submitted by Michael Maynard for Magnolia Co. Limited Partnership at **607 WESTERN AVE AND 171 MAGNOLIA AVE** (Map 199, lots 11 and 13, and Map 198, Lot 20.)

The Agent has requested that **A.** and **B.** be discussed at the same time.

Mr. Jeff Andrews, WL Preservation, present and reviews with the GCC.

3rd Party review was hired, NE Environmental - Ms. Julia Fiske.

A letter was provided and they concur with her findings.

He discusses the review and notes the plan re: jurisdiction. He notes the overland flow area that the Agent had concerns with.

The Agent notes the intermittent stream w/ BVW and the flood overflow that goes to the upper fringe. These are not jurisdictional channels but are clearly overflow.

Mr. Frontiero states that care has to be taken in areas where vernal pools are located.

The Agent states that isolated areas subject to flooding need to be looked at in the spring. She did not see enough leaf litter to determine this as a vernal pool.

PUBLIC COMMENT: none/closed.

Mr. Gulla notes the report as being thorough.

The Agent states that the small channel is subject to flooding and she does not believe it is jurisdictional but should be accommodated and designed and in the plan.

She would like to have the GCC make a formal finding.

MOTION: Mr. Feener moves to approve the Resource Area Delineation at 281R Magnolia Ave. with conditions, noting the channel issue to be incorp. into the plan and adopt NE Environmental review.

SECOND: Mr. Anderson **VOTE:** 4-0 all in favor.

607 WESTERN AVE AND 171 MAGNOLIA AVE

Mr. Jeff Andrews, WL Preservation reviews the plan with the GCC.

He notes re: jurisdiction a bordered veg. WL and 3 isolated veg. WL areas being land subject to flooding, pointing out these areas on the plan to the GCC. They are looking for confirmation of delineation.

The Agent notes a site visit and points out 2 areas on the plan that funnel water and states that all 3 isolated, veg. WL areas could be vernal pools.

It was noted that this is in not in the scope but we will review those particular areas and possibly add them.

The Agent notes that they will have to see what happens in the spring re: possible vernal pools, noting the scour channels and whether or not they start or lead to any certain body of water. The flagging of the area needs to be more defined as it is confusing.

In the NW is a Wetland, a stream that crosses over Magnolia Ave. which is not to be included as it does not end and is somewhat noted on the plan itself.

Mr. Frontiero inquired as to GEO tech support with Mr. Andrews stating that it is in process.

Mr. Gulla recommends the findings by NE Environmental with conditions and vernal pool flagging along with the 3rd party review and asks for a motion to approve.

PUBLIC COMMENT: none/closed.

MOTION: Mr. Feener moves to approve with above information noted.

SECOND: Mr. Anderson **VOTE:** 4-0 all in favor.

NORTH LANDING WAY (Map 233, Lot 6)

This is a continuation of EO with a new NoI. Mary Whitney in response to an Enforcement Order issued to maintain sand nourishment in proximity to salt marsh and in riverfront and coastal bank areas.

Mr. John Dick, Hancock Associates present and stating to the GCC that the NoI was filed re: beach nourishment. Photos and the plan were presented to the GCC.

He would like to schedule a site visit.

The Agent notes no salt marsh peat and aerial photos are to be submitted.

PUBLIC COMMENT:

Mr. Robert Macey, prev. President of the Association notes that they have dumped sand in that area every year and if sand was not present it would be a grassy area. He states that he is against the complaint.

Ms. Ann Strong states that sand has been replaced year after year and the beach still erodes.

Mr. Macey notes that as President in 1984, someone across the river complained about the sand but the Cons. Comm. said it was ok to do.

The Agent notes that DEP has information to the contrary.

Ms. Jean Rhinelander reads a letter regarding the complaint. She states it is not listed anywhere as being a public landing and where the sand is continually replaced has always been used as a beach. The Rust Island Assoc. has always maintained the beach until the complaint was filed. A grassy area owned by Mary Whitney was noted. She believes that the individual who filed a complaint is a summer resident. She further states that this area is not referred to as a public landing but as a bay.

The Agent notes that the initial original violation was made by the Shellfish Dept.

There is no room here for neighborhood disputes and although the Assoc. has replaced sand year after year it still needs to be permitted.

The Agent feels the next step is a site visit with herself and Shellfish present.

Mr. Macey notes that although the Agent states it was Shellfish initially, he wants to know who filed a complaint against him.

Mr. Gulla notes that he needs to go to Community Development and read the file as the file is the written documentation.

MOTION: Mr. Feener moves to continue the matter to 12/5/07 8:30 PM

SECOND: Mr. Frontiero **VOTE:** 4-0 all in favor.

Mr. Gulla states he will entertain a motion for a 5 minute recess.

MOTION: Mr. Feener **SECOND:** Mr. Frontiero **VOTE:** 4-0 all in favor.

Meeting resumes.

169 CONCORD STREET (Map 242, Lot 45)

Request for Determination submitted by Paula Haddad, for construction of an access road and installation of a septic system.

Mr. Mike Seacamp, Environmental Consultant present and rep. the applicant who is not present this evening.

He reviews the plan with the GCC. He notes a WL area which does flood and is probably local jurisdiction. Test pits were done and digging was done to at least 10 ft. and not Wetland. He notes permission to construct the access road and proposed erosion control during the project.

The Agent notes that she has no issues.

MOTION: Mr. Anderson moves to approve neg. determination (2B, 5, -3).

SECOND: Mr. Frontiero **VOTE:** 4-0 all in favor.

15 HORTON STREET (Map 128, Lot 23) **NEW**

Request for determination submitted by Ginger Attaya to replace an existing roof, deck, windows and siding.

Brett Ramsey present and representing the applicant notes that there is no change in the footprint. An anonymous complaint was made regarding this issue.

Brett notes the Chapter 91 License/ 1975.

The Agent notes that they are to make sure that permits are obtained.

PUBLIC COMMENT:

Ted Williams, abutter inquires as to a height change. Brett notes the photos.

Public Comment closed.

MOTION: Mr. Feener moves to approve with a negative determination 2A/5/-3.

SECOND: Mr. Anderson **VOTE:** 4-0 all in favor.

1-4 STANWOOD POINT (Map 230, Lots 69 & 51). **NEW**

Peter Sova, Little River Campground LLC, to Determine the Resource Area Delineation.

Ms. Elisha Raditz, notes the plan and discusses it with the GCC. She notes the coastal bank areas on the plan as well. She states that this is a straightforward site but has lots of flags.

The Agent notes that they need to go out to the site together.

Mr. Anderson states that a continuation is needed.

Mr. Gulla states that he would like to attend the site visit.

PUBLIC COMMENT:

Ms. Catherine Hines 36-38 Stanwood Ave. states that they have lost 2 to 2 ½ ft. of land due to erosion and marsh grass comes right up to her front steps. She can provide photos.

Public Comment: closed.

Mr. Gulla states he will entertain a motion to continue.

MOTION: Mr. Feener moves to continue the matter to 12/5/07 8:30 PM.

SECOND: Mr. Frontiero **VOTE:** 4-0 all in favor.

(The Agent requests that Ms. Hines provide the photos as soon as possible.)

18 RIVERSIDE ROAD (Map 100, Lot 6)

Mr. Bill Manuell present and states that the alternative analysis has been submitted. Different locations on the site have been evaluated. The lot is non conforming and the dwelling is non conforming. He notes that the impact is the same whether leaving it or moving it 90% angle. There are no other alternatives that make for less impact.

Improvements done: from a 2 car to 1 car w/storage area and increased green space throughout the site. Only a 3 ft. wide path is all that is left and where the terrace was is now a level grassy area. Rain gardens are still available. The bituminous driveway was taken out with a reduction of 230 sq. ft. of driveway area. We came up with 4 to 1 mitigation which is a tremendous improvement. The construction work is from the landward side and backwards with a dumpster in the driveway. He discussed with the GCC the preferred alternative and mitigation that was presented.

The Agent notes the tremendous amount of mitigation and personally feels that it does not need riverfront regulations. and notes the 4 to 1 mitigation and all that has been done.

Mr. Feener notes that the crushed stone under the deck will now be plantings.

Mr. Gulla states that this seems to be the best it can get using the existing footprint.

He has a concern re: the siltation fence location. A secondary line of erosion control can be done re: construction for the first phase of the work. He inquired as to any tree removal with Mr. Manuell stating that they would be adding trees.

Mr. Frontiero notes the seawall.

Gayle Guittar reads her comments and states she will submit them by mail to Community Development.

Mr. Gulla states he will entertain a motion to approve the project with the aforesaid mentioned conditions.

The Agent reviews conditions noting: a secondary line of erosion control in the statement of reason, mitigation at a rate of 4 to 1 which exceeds the customary 2 to 1.

MOTION: Mr. Feener moves to approve the project

SECOND: Mr. Frontiero

It was noted that if asbestos and/or lead are found on the site a licensed individual is needed for removal.

VOTE: 4-0 all in favor

524-528 ESSEX AVENUE (Map 227, Lot 34) **NEW**

Chris McCarthy to amend OoC #28-1770 to maintain the driveway in the existing location, relocate the turn-around area and create new planting area.

Chris McCarthy reviews the project with the GCC stating there are 2 lots with 1 being sold at present. A tree that was taken down was noted. This project is before the Planning Board relative to the driveway. Mike Hale has looked over the plan.

The Agent notes that the retention basin still needs to be vegetated and the overflow to the stream has changed and should be re-evaluated.

Mr. Gulla inquired as to anyone having any questions re: the turn-around and was told it was part of a Planning Board issue.

PUBLIC COMMENT: none/closed.

MOTION: Mr. Feener moves to approve with aforesaid mentioned conditions.

SECOND: Mr. Anderson **VOTE:** 4-0 all in favor

31 NORSEMAN AVENUE (Map 144, Lot 42). **NEW**

Violation review – related to excavating in the buffer zone and coastal bank.

The Agent notes that she received a letter today from Mr. Chardo.

A NoI is requested to be filed and she notes that the Commission has an option regarding the Enforcement.

Mr. Len Chardo states that he didn't think he was doing anything wrong.

It was noted that the previous NoI stated no fill at the coastal bank.

Mr. Chardo stated that he went to the Eng. Dept. and got a map from them and didn't realize he was in a buffer zone.

Mr. Gulla states that the violation has occurred and work has been done in the buffer zone with the Agent noting the coastal bank as well.

An NoI is needed to either mitigate or put back to the original state and the plan needs to reflect further mitigation in this case. The plan needs to be put together with an NoI submitted as to how it is to be managed and built.

This matter is to be continued to 12/19/07 with a public hearing on the 12/5/07.

14 RIVERSIDE ROAD (Map 100, Lot 8)

Mr. Bill Manuell rep. the applicant addresses the GCC stating they would like to remove existing dwelling as it is a mish mash of buildings. The proposed building will be in the exact same footprint with a rebuilding and lengthening of the existing deck. There is proposed 200 sq. ft. of additional riverfront planting. He notes the coastal bank, the masonry wall, demolition permit with a dumpster pad in the driveway, the deck expansion and sona tubes at the outer edges of the deck. He further notes a seasonal ramp and float. The float does not go beyond intertidal. A site visit was done with Dave Sargent. The float is supported on legs and anchor chains.

Mr. Richard Cahill, property owner and resident of Arlington, MA reads his intentions to the GCC. He notes the work sequence and his credentials regarding experience with these types of projects. He states he will use care and concern for the environment.

The Agent notes the construction zone stating a 10 ft. setback is necessary to preserve the stability of the bank. She notes that neighbors, by letter, have noted their concern re: storms and runoff.

Mr. Cahill states re: demolition of the house, he can reach across and this would keep disturbance to a minimum.

Mr. Frontiero notes his concern re: ground water, the new footings and the crushed stone. He notes a pump truck in re: the concrete and recommends sona tube fittings.

Mr. Cahill states that he will repair the stairs and the seawall.

Mr. Anderson noted his concern with the present plan stating that it comes too close to the coastal bank.

Mr. Feener notes the fixing of the seawall with Mr. Manuell stating there would be 0% maintenance noting the walking path.

Mr. Gulla had the same concern as Mr. Anderson and a main concern is digging in that area, noting a one-sided pour and advised the applicant to try to be creative with that keeping in mind the concerns of the GCC.

Mr. Manuell states that they will look into all the options discussed this evening and will come back with more details re: excavation and a construction sequence.

Mr. Gulla explains his thoughts and ideas re: the house and its relation to the coastal bank.

Mr. Gulla states he will entertain a motion for continuance.

MOTION: Mr. Anderson moves to continue the matter to 12/5/07 9PM.

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

17 HORTON STREET

NoI submitted by Theodore Williams to construct a pier, seasonal gangway and float.

Mr. Steven Bardini, rep. the applicant notes a site review with the Agent. Modifications were suggested by the Eng. Dept. He reads a letter from the Eng. Co. that was hired in re: ledge, soils and drainage. He discusses the resource area and notes mitigation over a 200 sq. ft area. The deck area is 8x16.

The Agent notes that no project can destabilize the coastal bank. She notes that the onsite access point has stairs and the alternative is to use the stairs with no need for any disturbance. The Shellfish Dept. stated that the chains were excessive.

Mr. Bardini states that the access is dangerous and would cause more impact to the environment and having to create a different grade would not be a viable alternative.

Mr. Gulla disagreed stating that they can use the stairs with no need to remove them and just build right over the stairs. He further stated that a site visit was needed.

Mr. Bardini notes C5 on the plan and notes not touching the bank.

Mr. Frontiero states that the alternative noted is a suggestion and that they should at least entertain it in relation to what has been proposed.

The Agent states that she is in disagreement with what was submitted and if the GCC decides to vote on this she would ask that they deny it.

Mr. Ted Williams notes the stairs over the vegetation and states that there is a considerable amount of sunlight in that area.

Ms. Mary Williams discussed the stairs stating she wants to have something to get out to the boat.

Mr. Gulla asked that the GCC take the time to go out and look at this. Docks and piers are very sensitive issues. He will entertain a motion to continue.

MOTION: Mr. Feener

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

The Agent asks that the GCC contact Marie re: arrangements for the site visit.

5 HESPERUS AVENUE (Map 128, Lot 220)

Request for Determination submitted by John Oliver Jr. for construction of a stone wall, patio, steps and landscaping.

The Agent reviews with the GCC stating that a site inspection with neighbors brought it to our attention at this time. She notes that the owner stopped any work immediately upon being notified. This is so close to the coastal bank and the GCC does not usually allow this. Mr. Oliver did not realize that the OoC was a three year cycle. The plot is incorrect as well.

Mr. Gulla notes that this is immediately adjacent to an intermittent stream.

Mr. Feeler states that it is too close to the street.

Mr. Oliver states that the work to be done is on the street side with existing stones to be capped.

Mr. Gulla reminded the applicant to keep in mind offsite mitigation which he discussed and explained to the applicant.

Mr. Gulla states he will entertain a motion to continue.

MOTION: Mr. Feener moves to continue the matter to 12/5/07 8:30 PM

SECOND: Mr. Frontiero VOTE: 4-0 all in favor

4 HIGH ROCK TERRACE (Map 180, Lot 42) **NEW**

Violation Review- This is in relation to cutting through a dune and a boardwalk without filing for Phyllis Mello.

The Agent reviews with the GCC the violation is in relation to cutting through the dune, cutting vegetation and putting up a boardwalk. She noted two violation notices already and was instructed as well to file an OoI which was ignored.

Mr. Gulla states he will entertain the issuance of an Enforcement Order.

MOTION: Mr. Feener moves to approve.

SECOND: Mr. Anderson VOTE: 4-0 all in favor.

Other Business:

The Agent notes the 3rd party review report for 27 KONDELIN ROAD from Eco Tec.

25WINGAERSHEEK - The Agent will email the GCC re: review of the wording of the OoC final statement of reason.

Mr. Gulla states he will entertain a motion to adjourn.

MOTION: Mr. Feener moves to adjourn

SECOND: Mr. Frontiero

VOTE: 4-0 all in favor.

Respectfully Submitted,

Carol A. Gray
Recording Clerk